

REMARKS

This responds to the Final Office Action mailed on July 24, 2008.

Claims 1 and 15 are amended, claims 18 and 20-23 are canceled, and no claims are added; as a result, claims 1-7 and 15-17 remain pending in this application.

§112 Rejection of the Claims

Claims 1-7 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. In particular, the Final Office Action noted Applicant's use of "the system" which does not have proper antecedent basis in claim 1. Applicant has amended independent claim 1 to replace "system" with "server" which does have proper antecedent basis in the preamble of the claim. This amendment corrects the issues with all of claims 1-7. Thus, Applicant respectfully requests withdrawal of the 35 USC § 112, second paragraph rejection.

§103(a) Rejection of the Claims

Claims 1-4, 7, and 15-23 were rejected under 35 USC § 103(a) as being unpatentable over Ackaouy et al. (U.S. 7,171,469; hereinafter "Ackaouy") in view of Morse et al. (U.S. 6,609,004; hereinafter "Morse").

Applicant has cancelled claims 18 and 20-23.

Applicant has amended independent claim 1 to clarify that the memory of the "another server" is a random access memory and that the random access memory is primed with content. Applicant respectfully submits that the combination of Ackaouy and Morse fails to teach or suggest servicing requests for data with data retrieved from a random access memory of another server. Further, independent claims 1 and 15 include priming a local random access memory and accessing primed data in the random access memories of other servers.

Review of the cited portion of Ackaouy at col. 4, lines 48-50 fails to provide for accessing data from a random access memory of another server as claimed. The Final Office Action also admits that Ackaouy fails to teach the portion of independent claim 1, as amended and similarly claimed in independent claim 15, that the another server is identified as a function

of a table holding content availability and location data of content primed to and held in random access memories of one or more other servers. Morse is provided to show this admitted deficiency. However, the cited portion of Morse at col. 7, lines 43-67 are also deficient of providing such a table. Instead, Morse shows only a single server 50 as illustrated in FIG. 1 and FIG. 4. To access the primed memory of a different server, more than one server is needed.

Thus, Applicant respectfully submits that amended independent claims 1 and 15 are patentable over the combination of Ackaouy and Morse. Applicant further submits that claims 2-4, 7, and 16-17 are also patentable at least because the claims depend from patentable independent claims 1 and 15.

Claims 5-6 were rejected under 35 USC § 103(a) as being unpatentable over Ackaouy in view of Morse and in view of Yeh et al. ("Introduction to TCP/IP Offload Engine (TOE), Version 1.0, 10GEA Alliance, April 2002"; hereinafter "Yeh").

Yeh is provided for the purpose of showing a TCP offload engine. However, Yeh fails to cure the deficiencies of Ackaouy and Morse discussed above with regard to claim 1, from which claims 5 and 6 depend, directly and indirectly respectively. Thus, Applicant respectfully submits that claims 5 and 6 are also patentable.

Applicant respectfully requests withdrawal of the 35 U.S.C. § 103(a) rejections and allowance of claims 1-7 and 15-17.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference.

Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that claims 1-7 and 15-17 are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((612) 373-6970 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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